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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,714	11/28/2000	A.J. Paul Carew	066303.0111	7701
7590	11/15/2006		EXAMINER MEHRA, INDER P	
Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			ART UNIT 2617	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/724,714

Applicant(s)

CAREW ET AL.

Examiner

Inder P. Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 58-114 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-114 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to an amendment dated 8/7/2006, which has been fully considered and made of record. Based on this amendment dated 8/7/06, claims 1-57 had been cancelled, and claims 58-114 were added previously. Claims 58, 72, 89, 100 and 111 were amended. Claims 58-114 are now pending.

### ***Claim Objections***

2. Claims 58-114 are objected to because of the following informalities:

Claims 58 recites "operable" in lines 3, 9, 12 and 14. This limitation is indecisive and indefinite. Same problem exists in claim 89 (lines 6, 9 and 13)

Claim 58 recites "the telecommunication interface" in line 9. It should be "the telecommunication interface module", because it lacks antecedent basis.. Same limitation is preceded in line 3 of claim 58.

Claim 58 recites "operable receive" in line 12. This should be "—operable to receive---".

Claim 100 recites ""telecommunication information", which lacks antecedent basis, because the same limitation is recited in 2.

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Claim 100 recites “the received telecommunication” in line 8. It should be “—the received telecommunication information---”.

Claims 89, 72, 89, 100 and 111 recite the following limitations in which “common bus is not supported by either the specifications or drawings:

\* the telecommunication interface operable to provide the first telecommunication information and the second telecommunication information on a common bus;

and

receive the first and second telecommunication information from the common bus, the one or more packetization modules operable (see claim 58).

- transporting the first and second data packets over a common bus, (see claim 72);
- a packetization module operable to receive the telecommunication information from the common bus(see claim 89).
- transporting the received telecommunication over a common bus, (see claim 100);
- transport telecommunication information for each subscriber over a common bus, (see claim 111).

Refer to specification, page 22 lines 24-25, page 23 line 11, and refer to fig. 5, there are three buses, such as, buses 114, 118 and 120, and not “common bus” as recited by claims 58, 72, 89, 100 and 111.

Appropriate correction or clarification is required.

***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969). A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b). Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 58, 72, 89, 100 and 111 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 7, 9, 10, 13, 15, and 18 of U.S. Patent No. 6,526,046. Although the conflicting claims are not identical, they are not patentably distinct from each other because.

For claims 58, 72, 89, 100 and 111, claims 1, 4, 5, 7, 9, 10, 13, 15 and 18 of U.S. Patent No. 6,526,046 disclose:

"A gateway for communicating telecommunication information between a telecommunication network and customer premises equipment, the gateway

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comprising (see claim 1 of U.S. Patent No. 6,526,046):

- a telecommunication interface operable to receive first telecommunication information for a first subscriber and second telecommunication information for a second subscriber; (see claim 1 of U.S. Patent No. 6,526,046), ( see claim 1 of U.S. Patent No. 6,526,046); and
- a packetization module operable to generate first ATM cells (first data packets) for communicating the first telecommunication information using a first ATM adaptation layer (first communication protocol) associated with the first subscriber and to generate second ATM cells (data packets) for communicating the second telecommunication information using a second ATM adaptation layer (second data communication protocol) associated with the second subscriber; (see claim 1 of U.S. Patent No. 6,526,046).

For claim 111, claims 15 and 18 of U.S. Patent No. 6,526,046 disclose:

- wherein the gateway is further operable to communicate the ATM cells to the customer premises equipment using DSL, cable, wireless, or other broadband distribution platforms(see claims 15 and 18 of U.S. Patent No. 6,526,046).

Applicant's claims 58, 72, 89, 100 and 111 merely broaden the scope of US Patent No. 6,526,046 claims 1, 4, 5, 7, 9, 10, 13, 15 and 18 by replacing the terms "ATM cells", "a first ATM adaptation layer (AAL)" (for claims 1, 4, 5, 7, 9, 10, 13, 15 and 18) with "data packets"; "a first data communication protocol" respectively for claims 58, 72, 89, 100 and 111. The ATM cells and data packets; and "a first data communication protocol" and "a first ATM adaptation layer (AAL)" are the same application elements. It has been held that the substitution of an

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element and its function is an obvious expedient if the remaining elements perform the same function as before. In re karlsen, 136 USPTO 184 (CCPA). Also, note Ex Parte Raine, 168 USPQ 375 (bd. App. 1969) ; substitution of a reference element whose function is needed would be obvious to one skilled in the art.

Applicant's claims 58, 72, 89, 100 and 111 recites additional elements, as follows:

- “wherein the first and second telecommunication information is received in any of a plurality of various formats”. This limitation is apparently obvious, because, different protocols, as claimed, should have different formats, for example, ATM, Frame Relay and TCP/IP.
- “Wherein the first and second data communication protocols are selected from any of a plurality of various protocol types”. This limitation is reiterating the same limitation, as follows, as disclosed by Carew,s patent no. 6,526,046”:

\* “communicating the **first telecommunication information using a first ATM adaptation layer associated with first subscriber and to generate second ATM cells for communicating the second telecommunication information using a second ATM adaptation layer associated with second subscriber**”, see claim 1 of Carew’s patent no. 6,526,046”:

Digital Subscriber Line Access Multiplexer (DSLAM) and Cable Modem Termination System (CMTS). These are well known in the art , and disclosed by Lor et al (US Patent No. 6,201,562), refer to fig. 6, col. 6 lines 52-62 (see paragraph 11 below). Further, these limitations are included in DSL, cable, wireless, or other broadband distribution platforms, as disclosed by Carew,s patent no. 6,526,046”, refer to fig. 1 and col. 2 lines 44-47.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 58-65, 67, 72-79, 81, 89-95, 99-106 are rejected under 35 U.S.C. 102(e) as being anticipated by **Focsaneanu et al** (US patent Application No. 5,610,910), hereinafter, Focsaneanu.

For claims 58, 72, 89 and 100, Focsaneanu discloses a gateway (**access module 208, refer to fig. 7, col. 4 lines 64-65**) for communicating telecommunication information, **refer to col. 4 lines 64-67**; comprising:

- telecommunication interface module--- for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network, wherein the first and second telecommunication information is received in any of a plurality of various formats (**format can be adapted, col. 7 lines 6-9**), (**Focsaneanu discloses, “step of extracting information content from user/subscriber profile/file to determine required services---between CPE and the communication network; determining appropriate routing; refer to col. 4 lines 40-57, and col. 5 line 12), the telecommunication interface operable to provide the first telecommunication information and the second**



**telecommunication information on a common bus** (Focsaneanu discloses,

**“common bus, refer to col. 14 lines 9-11);;**

- one or more packetization modules (PAD 254-packet assembly/ disassembly device, fig. 8, col. 8 lines 20-22)--- **receive the first and second telecommunication information from the common bus, the one or more packetization modules**(Focsaneanu discloses **“common bus”, col. 14 lines 9-11)** operable to generate first data packets --- the first telecommunication information to a first customer premises equipment (CPE) --- a first data communication protocol --- the first subscriber and --- second data packets --- the second telecommunication information --- a second data communication protocol ---second subscriber; (refer to col. 5 lines 2-12, **“ an access module (gateway) includes ---user profiles, services provided---address correlation table or protocol conversion table ---determine routing—converting address and or protocol routing the extracted information content and or protocol altered information through appropriate network resources and similar or dissimilar CPEs according to information stored in the storage, a CPE request and or network status information”**) , (refer further to **“routing table”, “customer profile” , “address conversion table”, “protocol conversion table”, routing table”, “service provider profile”(248 in fig. 8)**), (refer to **“interfacing CPEs”, col. 6 line 55-57)**;
- wherein the first and second data communication protocols are selected from any of a plurality of various protocol types, (refer further to **“routing table” 248, “customer profile” , “protocol conversion table” 248 , protocol adaptation to better match**

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**the terminals, col. 7 lines 5-9, and “possible network interfaces include FRAME RELAY, SMDS, ATM, TCP/IP”, col. 11 lines 5-6).**

- **a memory operable to store subscriber profiles---telecommunication interface, as recited by claim 89, (an access module (gateway), further, includes a storage (memory) for storing information concerning user profile (subscriber profile), refer to col. 5, lines 2-6; database (memory) , (248 in fig. 8), includes “customer profile”, refer to col. 8 lines 14-16);**

For claims 59, 61, 73, 75, 90, 92, 101 and 103, Focsaneanu discloses each of a plurality subscribers is associated with a separate telecommunication interface, **(determine service requested refer to col. 4 lines 45-48; and “the telecommunication interface module is further operable-----the first telecommunication”, refer to col. 4 lines 45-48, user profile, service provider profile, analyzes the contents of a data connection request to identify the service requested, col. 8 lines 15-19).**

For claims 60, 74, 91 and 102, Focsaneanu discloses the telecommunication interface---- analog line----switch, **(POTs, refer to col. 7 lines 29-32 and fig. 7, col. 10 line 46-51, PSTN – POTs, alter the state of access , col. 9 lines 49-51 and “analog/digital conversion” col. 9 lines 58-59).**

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For claims 62, 76, 93 and 104, Focsaneanu discloses, “the subscriber identifier is a name address, or telephone number, (**refer to user profile and address table, col. 8 lines 16-17, address conversion col. 8 line 30, col. 13 lines 62-67**).

For claims 63, 77, 94 and 105, Focsaneanu discloses, “one or more compression modules operable-----subscriber”, (**refer to (compression techniques, col. 7 line 3, 552 col. 11, lines 20-22, compression algorithm 710, col. 12 line 60**).

For claims 64 and 78, Focsaneanu discloses, “memory operable to store first subscriber profile----compression algorithm---”; (compression techniques at gateway, **refer to col. 7 line 3 ; and database, refer to col. 8 line 24 and compression techniques utilized at the access module which includes database (memory) 248 in fig. 7, col. 7 lines 3 and col. 11 lines 15-21**).

For claims 65 and 79, Focsaneanu discloses “management module (**246 of fig. 8**) operable to select, for the first subscriber, a compression module supporting the first compression algorithm (**compression techniques, col. 7 line 3, 552 col. 11, lines 20-22, compression algorithm 710, col. 12 line 60**); and a packetization module supporting the first data communication protocol, (**refer to PAD 254, fig. 7, protocol conversion, col. 8 lines 30-33**).

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For claims 67, 81, 95, 99 and 106, Focsaneanu discloses all the features of claims 58, 72 and 89, including: “one or more network interface modules (line interfaces 236, 256 in fig. 7, col. 8 lines 1-2 and 25-26) operable to communicate the first data packets----using first data link-----second data link-----second subscriber, **(refer to interfacing CPEs, determining appropriate routing prior to interfacing CPEs, col. 4 lines 40-42, col. 5 lines 8-12, col. 6 lines 56-57, col. 7 lines 10-14 and 26-29).**

6. Claims 66, 69-70, 80, 83-84, 97, 108 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al**, hereinafter, Focsaneanu, in view of **Pounds et al** (US Patent No. 6,560,222), hereinafter, Pounds, further in view of **Bist et al** (US Patent No. 2002/0064139), hereinafter, Bist.

For claims 66, 69-70, 80, 83-84, 97, 108 and 110, Focsaneanu disclose all the features and limitations of claims 66, 69-70, 80, 83-84, 97, 108 and 110 with the exception of the following limitation, which are disclosed by Ponds and Bist, as follows:

- Ponds discloses “a management module operable to select a compression module---compression algorithm---, col. 8 lines 3-4, to assign at least *one time slot of a time division multiplexing (TDM) bus* to communicate the first telecommunication information--“; refer to control processor, col. 8 lines 60-63;
- Ponds discloses, “a time division multiplexing (TDM) bus--- packetization module--- to communicate the first telecommunication information----one or more time slots; and a data packet bus---packetization module”, **as recited by claims 70, 84, 97, 108, 110**, refer to col. 8 lines 10-12, and 60-63 ;

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- Ponds discloses partially, “one or more echo cancellation modules ----on the first telecommunication interface but not the second telecommunication information”, **as recited by claims 69, 83**, refer to col. 8 lines 25-27;

Pounds does not disclose expressly whether echo cancellation be used in the second telecommunication information, as recited by claims 69 and 83.

Bist discloses “*echo cancellation modules ----on the first telecommunication interface,(echo cancellation ---selectively disable and enable the training of echo – canceller, paragraph 0246*”

It would have been obvious to a person of ordinary skill in the art at the time of the invention to assign at least *one time slot of a time division multiplexing (TDM) bus and echo cancellation* to communicate the first telecommunication information. The capability of using time slots of a time division bus is provided by combining it in access module 234 of fig. 8. The suggestion/motivation to do so would have been to provide desired characteristics of voice data signals for customer premises network which uses broadband to deliver all services and also to save bandwidth.

7. Claims 68, 82, 86, 111 and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al** (US Patent No. 5,610,910), hereinafter, Focsaneanu in view of **Lor** (US Patent No. 6,201,562).;

For claims 68, 82, 86, 111 and 112, Focsaneanu discloses a system for communicating telecommunication information, **refer to col. 4 lines 40-42 and fig. 7**); comprising:

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- Gateway (access module 208 in fig. 7) operable to associate each of a plurality of subscribers with a data communication protocol, to receive telecommunication information for subscribers from telecommunication network (**step of extracting information content from user/subscriber profile/file to determine required services---between CPE and the communication network; determining appropriate routing;**), refer to 208 of fig. 7, refer to col. 4 lines 40-67), and to
- generate data packets (**PAD 254 in fig. 7**) communicating each subscriber's telecommunication information to each subscriber's customer premises equipment according to the data communication protocol associated with each subscriber(**refer to col. 5 lines 2-12, “ an access module (gateway) includes ---user profiles, services provided---address correlation table or protocol conversion table --- determine routing---converting address and or protocol routing the extracted information content and or protocol altered information through appropriate network resources and similar or dissimilar CPEs according to information stored in the storage, a CPE request and or network status information”**), (refer further to “**routing table**”, “**customer profile**” , “**address conversion table**”, “**protocol conversion table**”, **routing table**”, “**service provider profile**”(248 in fig. 8)), (refer to “**interfacing CPEs**”, col. 6 line 55-57);,
- wherein the data communication protocol is selected from any of a plurality of various protocol types(**refer further to “routing table” 248, “customer profile” , “protocol conversion table” 248 , protocol adaptation to better match the**

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**terminals, col. 7 lines 5-9, and “possible network interfaces include FRAME RELAY, SMDS, ATM, TCP/IP”, col. 11 lines 5-6).,**

- wherein the telecommunication information is received in any of a plurality of various formats(**format can be adapted, col. 7 lines 6-9**);

Focsaneanu does not disclose the following limitations, which are disclosed by Lor, as follows:

“wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC), **as recited by claims 68, 82, 86, and 112**”, refer to fig. 6, col. 6 lines 52-62;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use DSLAM and CMTS . These capabilities can be implemented by using the systems used by Lor at CPE. The suggestion/motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services at high bandwidth.

8. Claims 71, 85 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al** (US Patent No. 5,610,910), hereinafter, Focsaneanu in view of **Roposh** (US Patent No. 5,396,494);

For claims 71, 85 and 98, Focsaneanu discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by Roposh, as follows:

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- an IEEE 802.6 bus coupled to the packetization modules, the IEEE 802.6 bus operable to communicate the first and second telecommunication information to the packetization modules and to communicate the first and second data packets from the packetization modules, refer to col. 8 lines 5-11.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of using IEEE 806.2 bus . This capability can be implemented by using the systems used Roposh. The suggestion/motivation to do so would have been to transmit over the bus data and overhead in Metropolitan Area Network.

9. Claims 96, 107 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al** (US Patent No. 5,610,910), hereinafter, Focsaneanu in view of **Roposh** (US Patent No. 5,396,494);

For claims 96, 107 and 109, Focsaneanu discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by Mills, as follows:

- an echo cancellation module operable to perform echo cancellation on the telecommunication information according to whether the subscriber's profile indicates that the echo cancellation module should perform echo cancellation on the subscriber's telecommunication information, refer to paragraphs 0026 and 0027.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of using IEEE 806.2 bus . This capability can be implemented by using the systems used Mills. The suggestion/motivation to do so would have been to transmit over the bus data and overhead in Metropolitan Area Network.



10. Claims 87-88, 113 and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu, as applied to claims 72, in view of Lor, as applied to claim 68, 82, 86, and 111-112.

For claims 87-88 and 113-114, Focsaneanu discloses all the limitations of subject matter, including the following limitations:

- “communicating the second data packets to a base station controller (BSC) using second data communication protocol, **as recited by claims 87-88 and 113-114**, refer to col. 2 lines 10-13 and fig. 2;
- “communicating the second data packets from the BSC to a wireless network interface unit (WNIU) using a wireless link, **as recited by claims 87-88 and 113-114**, refer to col. 2 lines 10-13, fig. 2.

Focsaneanu does not disclose the following limitations, which are disclosed by Lor

Lor discloses, “wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM), **as recited by claim 87 and 114**; and the second data link communicates the second data packets to a cable modem termination system (CMTS)”, **as recited by claim 88**, refer to col. 6 lines 52-65;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use DSLAM and CMTS as taught by Lor. These capabilities can be implemented by using the systems used Lor at CPE. The suggestion/ motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services at high bandwidth.

*Response to Arguments*

11. Applicant's arguments filed 8/7/06 have been fully considered but they are not persuasive.

Applicant argues that Independent Claims 58, 72, 89, and 100 recite in general an ability to transport telecommunication information or data packets associated with a plurality of subscribers over a common bus prior to or after packetization.

In response, Examiner states that Claims 89, 72, 89, 100 and 111 recite the following limitations in which "common bus" is not supported by either the specifications or drawings:

Refer to specification, page 22 lines 24-25, page 23 line 11, and refer to fig. 5, there are three buses, such as, buses 114, 118 and 120, and not "common bus" as recited by claims 58, 72, 89, 100 and 111.

However, Focsaneanu discloses "common bus" explicitly, refer to col. 14 lines 9-11

**In light of above explanation, arguments by applicant are not persuasive.**

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire

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on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

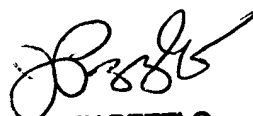
***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Inder Pal Mehra 11/13/06*  
Inder P Mehra  
Examiner  
Art Unit 2617

  
JOHN PEZZLO  
PRIMARY EXAMINER